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**OFFICE OF DIRECTOR
GROUP 1800**

In re Application of
CHRISTOPHER R. BEBBINGTON, ET AL.
Serial No. 08/376,380
Filed: January 23, 1995
For: RECOMBINANT DNA METHODS, VECTORS AND
HOST CELLS

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DECISION
ON PETITION

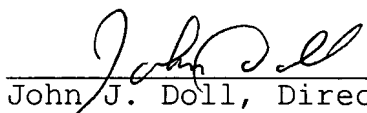
This is a decision on the petition filed August 28, 1996, under 37 CFR 1.181 requesting reconsideration of the decision dated August 13, 1996 denying a Request for Suspension of prosecution in the instant application.

Petitioner indicates that the only outstanding issue in the related application, Serial No. 08/302,241, is an obviousness-type double patenting rejection which is to be overcome by the filing of a terminal disclaimer. Petitioner states that a Notice of Allowance was expected to issue in the related application before about October 1, 1996 and that the suspension will permit a simplification of the issues in the instant application.

In considering the petition, a review has been made of the related application, Serial No. 08/302,241 and the prosecution and issues in this application. It is noted that as of the date of this decision, no Notice of Allowance has issued in Serial No. 08/302,241. In addition, this application remains rejected under both 35 USC 102 and 35 USC 103. Neither this petition or the petition filed July 2, 1996 explain how the filing of a terminal disclaimer or the issuance of a Notice of Allowance in the related application will simplify the issues presented in the instant application. Under 37 CFR 1.103 the burden is on the petitioner to provide "good and sufficient cause" for the suspension of prosecution in an application. This petition fails to meet that requirement.

It is Office policy to reduce pendency, provide compact prosecution and provide early disclosure of patentable inventions to the public. The delay sought in the consideration of this application is not appropriate under these circumstances. The petition fails to state good and sufficient cause for suspension of prosecution in this application.

The Petition is Denied.


John J. Doll, Director
Patent Examining Group 1800

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